IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 14642 of 2001

Between:

1.T.Narayanaswamy Naidu S/o Vengama Naidu
Residing in Battuvandlavooru (Village) Gudipala (P.O&Man) Chittoor District.
2.S.Subramanyam Naidu S/o S.Munaswamy Naidu
Residing in Battuvandlavooru (Village) Gudipala (P.O & Man) Chittoor District.

..... PETITIONERS

AND

1. The District Collector, Collectorate, Greemspet,
Chittoor.
2. M.Anjaneyulu Naidu s/o Guravaiah Naidu
Residing in Battuvandlavooru (Village) Gudipala (P.O & Man) Chittoor District.
3. M.Sriranjani W/o M.Anjaneyulu Naidu
Residing in Battuvandlavooru (Village) Gudipala (P.O&Man) Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in nature of writ of Mandamus directing the 1st respondent to seize the Bore well sunk in the land in Sy.No.251 of Battuvandlavooru (Villages) Gudipala (P.O &Man) Chittor district , within the following boundaries East:-land of Sriranjani W/o Anjaneyulu Naidu West:- House and Vacnat site of Kumaraswamy Reddy S/o Perumal Reddy North:- land of Veerappa Naidu South :- Road, and thereby, restraining the respondents 2& 3 from pumping the water form the Bore well and take such further action as envisaged in

Section 6 of the A.P Ground water (Regulation for drinking water purposes) Act 1996.

Counsel for the Petitioner: Mr.D.VIJAYA CHANDRA REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondents 2 &3: Mr.M.V.S.Suresh Kumar

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

This Petition is filed as Public Interest Litigation against the action of the respondents 2 and 3 in having dug bore well in the adjoining land within a distance of 84 feet from the public drinking water bore well, which, in effect, has dried up. On complaints received from the villagers, inspection was carried out and bore well was seized on the recommendation of the Revenue Divisional Officer. But, on representation of Sri M.Anjaneyulu Naidu to the District Collector stating that he would supply water to the villagers, the District Collector ordered release of the bore well on condition of supplying of sufficient water to the villagers of Battuvandlavooru Dalithawada. It is also stated that one S.Krishnama Naidu has filed Civil Suit in O.S.No. 1259 of 2000 on the file of II Additional Junior Civil Judge, Chittoor, which was pending.

In case, the bore well of 3rd respondent was in contravention of the any of the Rules and action had been taken by the official respondents in seizing the bore well in public interest, it was thought proper to order release of the bore well subject to certain conditions. It will be for the petitioners to approach the Collector for passing appropriate orders if conditions are not being complied with by the persons who had dug bore well, and, on receipt of the same, it will be for the Collector to pass appropriate orders, as may be deemed fit in the circumstances of the case. Ordered accordingly.

The Writ Petition stands disposed of. No costs.

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DEVINDER GUPTA, C.J.

23.8.2004.

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C.V.RAMULU, J.

VR.

To

1.The District Collector, Collectorate, Greemspet,
Chittoor.
2. Two CCs to Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.